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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Staddon *et al.*

Appl. No. 09/877,244

Filed: June 11, 2001

For: **Use of Vascular Endothelial Growth Factor (VEGF)**

Confirmation No. 9543

Art Unit: 1647

Examiner: Spector, L.

Atty. Docket: 0623.1090001/LBB/BJD

Reply To Restriction Requirement

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action dated **September 3, 2002**, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect with traverse to prosecute the invention of **Group I**, represented by claims 1-4 and 6-8. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to pursue the non-elected claims in related applications.

Applicants submit that to search and examine the subject matter of all the Groups together would not impose a serious burden on the examiner. Claims 1-19 relate to the phosphorylation status of the proteins p120 and p100. Furthermore, the claims represented by Groups I-III relate to the signaling pathway initiated by VEGF, which contains p120 and p100. Therefore, the same set of publications would have to be searched for Groups I and II as must be searched for Group III. Accordingly, it would

be a simple matter for the Examiner to search and examine the claimed methods relating to the signaling pathway involving p120, p100 and VEGF.

The M.P.E.P. § 803 (Eighth Edition, Rev. August, 2001) states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Thus, Applicants respectfully request that all claims currently under examination be searched and examined together in the subject application. Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No.

19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. DeBuono
Attorney for Applicants
Registration No. 42,473

Date: November 4, 2002
1100 New York Avenue, N.W., Suite 600
Washington, D.C. 20005-3934
(202) 371-2600
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